

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
Plaintiff,) CIVIL No. 05-10401-RCL
v.)
DELIA J. BAEZ,)
Defendant.)

)

UNITED STATES' MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56, Federal Rules of Civil Procedure, the United States requests that this Court issue an order granting summary judgment as to treble damages and civil penalties against the Defendant, because there is no genuine issue as to any material fact and the United States is entitled to judgment as a matter of law. The grounds for this motion are set forth in the accompanying United States' Statement of Material Facts and Memorandum in Support of Summary Judgment.

This action is brought under the False Claims Act, 31 U.S.C. §§ 3729 et seq., and under the common law for fraud, unjust enrichment, and payment by mistake of fact.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

/s/ Anita Johnson

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Certificate of Service

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/s/ Anita Johnson